

Introduced by Senator Maldonado

February 10, 2005

An act to amend Section 7582.2 of the Business and Professions Code, relating to private patrol operators.

LEGISLATIVE COUNSEL'S DIGEST

SB 194, as introduced, Maldonado. Private patrol operators.

The Private Security Services Act provides for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Existing law exempts specified persons from the act.

This bill would make a nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7582.2 of the Business and Professions
2 Code is amended to read:
3 7582.2. This chapter does not apply to *the following*:
4 (a) A person employed exclusively and regularly by any
5 employer who does not provide contract security services for
6 other entities or persons, in connection with the affairs of the
7 employer only and where there exists an employer-employee
8 relationship if that person at no time carries or uses any deadly
9 weapon in the performance of his or her duties. For purposes of
10 this subdivision, "deadly weapon" is defined to include any
11 instrument or weapon of the kind commonly known as a
12 blackjack, slungshot, billy, sandclub, sandbag, metal knuckles,
13 any dirk, dagger, pistol, revolver, or any other firearm, any knife

1 having a blade longer than five inches, any razor with an
2 unguarded blade and any metal pipe or bar used or intended to be
3 used as a club.

4 (b) An officer or employee of the United States of America, or
5 of this state or a political subdivision thereof, while the officer or
6 employee is engaged in the performance of his or her official
7 duties, including uniformed peace officers employed part time by
8 a public agency pursuant to a written agreement between a chief
9 of police or sheriff and the public agency, provided the part-time
10 employment does not exceed 50 hours in any calendar month.

11 (c) A person engaged exclusively in the business of obtaining
12 and furnishing information as to the financial rating of persons.

13 (d) A charitable philanthropic society or association duly
14 incorporated under the laws of this state ~~which~~ *that* is organized
15 and maintained for the public good and not for private profit.

16 (e) Patrol special police officers appointed by the police
17 commission of any city, county, or city and county under the
18 express terms of its charter who also under the express terms of
19 the charter (1) are subject to suspension or dismissal after a
20 hearing on charges duly filed with the commission after a fair
21 and impartial trial, (2) must be not less than 18 years of age nor
22 more than 40 years of age, (3) must possess physical
23 qualifications prescribed by the commission, and (4) are
24 designated by the police commission as the owners of a certain
25 beat or territory as may be fixed from time to time by the police
26 commission.

27 (f) An attorney at law in performing his or her duties as an
28 attorney at law.

29 (g) A collection agency or an employee thereof while acting
30 within the scope of his or her employment, while making an
31 investigation incidental to the business of the agency, including
32 an investigation of the location of a debtor or his or her property
33 where the contract with an assignor creditor is for the collection
34 of claims owed or due or asserted to be owed or due or the
35 equivalent thereof.

36 (h) Admitted insurers and agents and insurance brokers
37 licensed by the state, performing duties in connection with
38 insurance transacted by them.

39 (i) Any bank subject to the jurisdiction of the Commissioner of
40 Financial Institutions of the State of California under Division 1

1 (commencing with Section 99) of the Financial Code or the
2 Comptroller of Currency of the United States.

3 (j) A person engaged solely in the business of securing
4 information about persons or property from public records.

5 (k) A peace officer of this state or a political subdivision
6 thereof while the peace officer is employed by a private
7 employer to engage in off-duty employment in accordance with
8 Section 1126 of the Government Code. However, nothing herein
9 shall exempt such peace officer who either contracts for his or
10 her services or the services of others as a private patrol operator
11 or contracts for his or her services as or is employed as an armed
12 private security officer. For purposes of this subdivision, “armed
13 security officer” means an individual who carries or uses a
14 firearm in the course and scope of that contract or employment.

15 (l) A retired peace officer of the state or political subdivision
16 thereof when the retired peace officer is employed by a private
17 employer in employment approved by the chief law enforcement
18 officer of the jurisdiction where the employment takes place,
19 provided that the retired officer is in a uniform of a public law
20 enforcement agency, has registered with the bureau on a form
21 approved by the director, and has met any training requirements
22 or their equivalent as established for security personnel under
23 Section 7583.5. This officer may not carry a loaded or concealed
24 firearm unless he or she is exempted under the provisions of
25 subdivision (a) of Section 12027 of the Penal Code or paragraph
26 (1) of subdivision (b) of Section 12031 of the Penal Code or has
27 met the requirements set forth in Section 12033 of the Penal
28 Code. However, nothing herein shall exempt the retired peace
29 officer who contracts for his or her services or the services of
30 others as a private patrol operator.

31 (m) A licensed insurance adjuster in performing his or her
32 duties within the scope of his or her license as an insurance
33 adjuster.

34 (n) Any savings association subject to the jurisdiction of the
35 Commissioner of Financial Institutions or the Office of Thrift
36 Supervision.

37 (o) Any secured creditor engaged in the repossession of the
38 creditor’s collateral and any lessor engaged in the repossession of
39 leased property in which it claims an interest.

- 1 (p) A peace officer in his or her official police uniform acting
- 2 in accordance with subdivisions (c) and (d) of Section 70 of the
- 3 Penal Code.

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